



**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

FAYE M. GUILLORY,
Plaintiff,

v.

**COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION,**
Defendant.

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CIVIL ACTION NO: 1:05-CV-574

**MEMORANDUM ORDER DISMISSING CASE
AND ADOPTING THE MAGISTRATE'S REPORT AND RECOMMENDATION**

Pursuant to 28 U.S.C. § 636(b)(1)(A), the Local Rules for the United States District Court, Eastern District of Texas, Appendix B, and General Order 05-6, the Court referred this matter to United States Magistrate Judge Keith F. Giblin for consideration and entry of a recommended disposition. Judge Giblin has recommended that the Court grant the Defendant Commissioner's pending *Motion to Dismiss* [Clerk's doc. #12] for want of prosecution.

On August 16, 2005, *pro se* Plaintiff Faye M. Guillory filed this civil action seeking judicial review of the Defendant Commissioner's decision to deny her application for social security benefits. *See Complaint* [Clerk's doc. #1]. Almost one year later, the Defendant Commissioner filed her *Motion to Dismiss* [Clerk's doc. #12] requesting that the Court dismiss Plaintiff's complaint for failure to prosecute because the Plaintiff has not complied with the court-ordered briefing schedule.

On May 24, 2006, Judge Giblin issued his report which recommends that the Court grant the Commissioner's motion and dismiss this social security appeal.

To date, Plaintiff has not filed objections to the report. The Court, therefore, agrees with the Commissioner and Judge Giblin that this proceeding should be dismissed for lack of prosecution.

Accordingly, the Court **ORDERS** that the Magistrate's *Report and Recommendation on Motion to Dismiss* [Clerk's doc. #13] is **ADOPTED**. The Court further **ORDERS** that the Defendant's *Motion to Dismiss* [Clerk's doc. #12] is **GRANTED** and Plaintiff's *Complaint* [Clerk's doc. #1] is **DISMISSED** with prejudice for want of prosecution under Federal Rule of Civil Procedure 41(b). All motions not addressed herein are denied as **MOOT** and this matter shall be closed.

So **ORDERED** and **SIGNED** this **23** day of **June, 2006**.



Ron Clark, United States District Judge